

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2020 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY BRYANT ROSSMAN,
aka "Ben" and
"itsben6969,"

Defendant.

CR 2:21-cr-00046-SB

I N D I C T M E N T

[18 U.S.C. §§ 2251(a), (e): Sexual Exploitation of a Child for the Purpose of Producing a Sexually Explicit Visual Depiction; 18 U.S.C. § 2422(b): Enticement of a Minor to Engage in Criminal Sexual Activity; 18 U.S.C. §§ 2252A(a)(2)(A), (b)(1): Receipt of Child Pornography; 18 U.S.C. §§ 2253 and 1467: Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. §§ 2251(a), (e)]

Beginning no later than December 30, 2019, and continuing to on or about December 31, 2019, in Ventura County, within the Central District of California, and elsewhere, defendant BARRY BRYANT ROSSMAN, also known as "Ben" and "itsben6969," knowingly employed, used, persuaded, induced, enticed, and coerced a 10-year-old minor girl to engage in sexually explicit conduct, as defined in Title 18,

1 United States Code, Section 2256(2)(A), for the purpose of producing
2 a visual depiction of such conduct, knowing and having reason to know
3 that such visual depiction would be transported and transmitted using
4 any means and facility of interstate and foreign commerce and in and
5 affecting interstate and foreign commerce.

COUNT TWO

[18 U.S.C. § 2422(b)]

Beginning no later than December 30, 2019, and continuing to on or about December 31, 2019, in Ventura County, within the Central District of California, and elsewhere, defendant BARRY BRYANT ROSSMAN, also known as "Ben" and "itsben6969," used the Internet, a facility and means of interstate and foreign commerce, to knowingly persuade, induce, entice, and coerce a person who had not yet attained the age of 18 years, specifically, a 10-year-old minor girl, to engage in sexual activity for which a person can be charged with a criminal offense, namely, production of child pornography, in violation of Title 18, United States Code, Section 2251(a).

COUNT THREE

[18 U.S.C. §§ 2252A(a)(2)(A), (b)(1)]

Between on or about December 30, 2019, and on or about December 31, 2019, in Ventura County, and within the Central District of California, defendant BARRY BRYANT ROSSMAN, also known as "Ben" and "itsben6969," knowingly received child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been mailed, and using any means and facility of interstate and foreign commerce, had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, knowing that the images were child pornography.

The child pornography that defendant ROSSMAN received on or about December 30, 2019, and continuing to on or about December 31, 2019, included the following:

- (1) an image with Photo ID 2210714419406910256, depicting a prepubescent female's nude genitals as she appears to be sitting in a bathtub;
- (2) an image with Photo ID 2210717687742733871, depicting a prepubescent female's nude genitals; and
- (3) an image with Photo ID 2210873015453185456, depicting a prepubescent female's genitals, stomach, and partial chest.

FORFEITURE ALLEGATION ONE

[18 U.S.C. § 2253]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 2253, in the event of the defendant's conviction of the offenses set forth in either of Counts One or Two of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following property:

(a) All right, title, and interest in any visual depiction involved in any such offense, or any book, magazine, periodical, film videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received and involved in any such offense;

(b) All right, title, and interest in any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense;

(c) All right, title, and interest in any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, including but not limited to the following which were seized by law enforcement on May 27, 2020:

1. One black ZTE cellphone, with IMEI number 990006751927871;

2. One white iPhone with white case, with IMEI number 355378073180300;

3. One blue Dane 32 gigabyte thumb drive;

1 4. One black Toshiba laptop, with serial number
2 7E185756P; and

3 5. One black HP laptop, with serial number
4 CNF9415LMG.

5 (d) To the extent such property is not available for
6 forfeiture, a sum of money equal to the total value of the property
7 described in subparagraphs (a), (b), and (c).

8 3. Pursuant to Title 21, United States Code, Section 853(p), as
9 incorporated by Title 18 Section 2253(b), the defendant, if so
10 convicted, shall forfeit substitute property, up to the total value
11 of the property described in the preceding paragraph if, as the
12 result of any act or omission of the defendant, the property
13 described in the preceding paragraph, or any portion thereof: (a)
14 cannot be located upon the exercise of due diligence; (b) has been
15 transferred, sold to or deposited with a third party; (c) has been
16 placed beyond the jurisdiction of the court; (d) has been
17 substantially diminished in value; or (e) has been commingled with
18 other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION TWO

[18 U.S.C. § 1467]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 1467, in the event of the defendant's conviction of the offense set forth in Count Three of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following property:

(a) Any obscene material produced, transported, mailed, shipped, or received and involved in any such offense;

(b) All right, title, and interest in any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense;

(c) All right, title, and interest in any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to the following which were seized by law enforcement on May 27, 2020:

1. One black ZTE cellphone, with IMEI number 990006751927871;

2. One white iPhone with white case, with IMEI number 355378073180300;

3. One blue Dane 32 gigabyte thumb drive;

4. One black Toshiba laptop, with serial number 7E185756P; and

5. One black HP laptop, with serial number CNF9415LMG.

1 (d) To the extent such property is not available for
2 forfeiture, a sum of money equal to the total value of the property
3 described in subparagraphs (a), (b), and (c).

4 3. Pursuant to Title 21, United States Code, Section 853(p), as
5 incorporated by Title 18 Section 1467(b), the defendant, if so
6 convicted, shall forfeit substitute property, up to the total value
7 of the property described in the preceding paragraph if, as the
8 result of any act or omission of the defendant, the property
9 described in the preceding paragraph, or any portion thereof: (a)
10 cannot be located upon the exercise of due diligence; (b) has been
11 transferred, sold to or deposited with a third party; (c) has been
12 placed beyond the jurisdiction of the court; (d) has been

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1 substantially diminished in value; or (e) has been commingled with
2 other property that cannot be divided without difficulty.

3 A TRUE BILL

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5 
6 Foreperson

7 TRACY L. WILKISON
8 Acting United States Attorney

9 
10 BRANDON D. FOX
11 Assistant United States Attorney
12 Chief, Criminal Division

13 JOANNA CURTIS
14 Assistant United States Attorney
15 Chief, Violent and Organized
16 Crime Section

17 CHELSEA NORELL
18 Assistant United States Attorney
19 Violent and Organized Crime
20 Section
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